

AB:SEF
F. #2008R00311

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

ALEXANDER ALBAYERO,
ROQUE CABA HERNANDEZ,
WILFRIDO CARABALLO,
SLAWOMIR CHROSTOWSKI,
 also known as "Suave,"
RALPH ANTHONY DE JESUS,
MARTIN DONATO,
EUGENE FERRIS,
ANDRZEJ FILIPKOWSKI,
ROBERTO GARCIA,
 also known as "Blanco,"
WILLIAM KING,
 also known as "Woody,"
JAMES LOWNEY,
 also known as "Jimbo,"
JAMES MURPHY,
WILLIAM MURPHY,
CARLOS RODRIGUEZ,
 also known as "Charlie,"
PEDRO RUIZ,
LUIS ALBERTO SERRANO,
DARIO VASQUEZ,
ROLANDO VASQUEZ,
 also known as "Orlando" and
 "Cache,"
ANDREAS WASACZ, also known as
 "Andre," and
JOHNNY ZAPATA, also known as
 "Jhonny Zapata,"

Defendants.

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FILED
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EASTERN DISTRICT OF NEW YORK

MAR 04 2009

BROOKLYN OFFICE

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 08-798 (S-1) (DLI)
(T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(A)(ii)(II),
841(b)(1)(B)(ii)(II),
841(b)(1)(C), 846 and 853;
T. 18, U.S.C., §§ 2 and
3551 et seq.)

COUNT ONE

(Conspiracy to Distribute and Possess
with Intent to Distribute Cocaine)

1. In or about and between September 2007 and October 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ALEXANDER ALBAYERO, ROQUE CABA HERNANDEZ, WILFRIDO CARABALLO, SLAWOMIR CHROSTOWSKI, also known as "Suave," RALPH ANTHONY DE JESUS, MARTIN DONATO, EUGENE FERRIS, ANDRZEJ FILIPKOWSKI, ROBERTO GARCIA, also known as "Blanco," WILLIAM KING, also known as "Woody," JAMES LOWNEY, also known as "Jimbo," JAMES MURPHY, WILLIAM MURPHY, CARLOS RODRIGUEZ, also known as "Charlie," PEDRO RUIZ, LUIS ALBERTO SERRANO, DARIO VASQUEZ, ROLANDO VASQUEZ, also known as "Orlando" and "Cache," ANDREAS WASACZ, also known as "Andre," and JOHNNY ZAPATA, also known as "Jhonny Zapata," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Distribution and Possession with Intent
to Distribute Cocaine - December 15, 2007)

2. On or about December 15, 2007, within the Eastern District of New York, the defendant ANDRZEJ FILIPKOWSKI, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE

(Distribution and Possession with Intent
to Distribute Cocaine - March 5, 2008)

3. On or about March 5, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and JAMES MURPHY, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Possession with Intent to
Distribute Cocaine - May 14, 2008)

4. On or about May 14, 2008, within the Eastern District of New York, the defendants JAMES MURPHY, WILLIAM MURPHY and ROLANDO VASQUEZ, also known as "Orlando" and "Cache," together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 500 grams or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii)(II); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE

(Possession with Intent to
Distribute Cocaine - July 10, 2008)

5. On or about July 10, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and WILFRIDO CARABALLO, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIX

(Possession with Intent to
Distribute Cocaine - July 14, 2008)

6. On or about July 14, 2008, within the Eastern District of New York, the defendants DARIO VASQUEZ, ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and JAMES LOWNEY, also known as "Jimbo," together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN

(Possession with Intent to
Distribute Cocaine - July 15, 2008)

7. On or about July 15, 2008, within the Eastern District of New York and elsewhere, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and RALPH ANTHONY DE JESUS, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT EIGHT

(Possession with Intent to
Distribute Cocaine - July 17, 2008)

8. On or about July 17, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and WILFRIDO CARABALLO, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE

(Possession with Intent to Distribute
Cocaine - July 19, 2008 and July 20, 2008)

9. On or about and between July 19, 2008 and July 20, 2008, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and ROQUE CABA HERNANDEZ, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TEN

(Attempted Distribution and Possession with
Intent to Distribute Cocaine - July 21, 2008)

10. On or about July 21, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and CARLOS RODRIGUEZ, also known as "Charlie," together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21 United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT ELEVEN

(Distribution and Possession with Intent
to Distribute Cocaine - August 1, 2008)

11. On or about August 1, 2008, within the Eastern District of New York, the defendant SLAWOMIR CHROSTOWSKI, also known as "Suave," together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TWELVE

(Possession with Intent to
Distribute Cocaine - August 5, 2008)

12. On or about August 5, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and EUGENE FERRIS, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THIRTEEN

(Distribution and Possession with Intent
to Distribute Cocaine - August 6, 2008)

13. On or about August 6, 2008, within the Eastern District of New York, the defendants SLAWOMIR CHROSTOWSKI, also known as "Suave," and EUGENE FERRIS, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOURTEEN

(Possession with Intent to Distribute
Cocaine - August 13, 2008 and August 14, 2008)

14. On or about and between August 13, 2008 and August 14, 2008, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and EUGENE FERRIS, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIFTEEN

(Distribution and Possession with Intent
to Distribute Cocaine - August 19, 2008)

15. On or about August 19, 2008, within the Eastern District of New York, the defendants SLAWOMIR CHROSTOWSKI, also known as "Suave," and EUGENE FERRIS, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIXTEEN

(Possession with Intent to
Distribute Cocaine - August 25, 2008)

16. On or about August 25, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and EUGENE FERRIS, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVENTEEN

(Possession with Intent to
Distribute Cocaine - August 26, 2008)

17. On or about August 26, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and ALEXANDER ALBAYERO, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT EIGHTEEN

(Possession with Intent to
Distribute Cocaine - October 4, 2008)

18. On or about October 4, 2008, within the Eastern District of New York, the defendants ROLANDO VASQUEZ, also known as "Orlando" and "Cache," and ROQUE CABA HERNANDEZ, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINETEEN

(Possession with Intent to
Distribute Cocaine - October 10, 2008)

19. On or about October 10, 2008, within the Eastern District of New York, the defendant ROQUE CABA HERNANDEZ did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 500 grams or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWENTY

(Possession with Intent to
Distribute Cocaine - October 10, 2008)

20. On or about October 10, 2008, within the Eastern District of New York, the defendant EUGENE FERRIS did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH TWENTY

21. The United States hereby gives notice to the defendants ALEXANDER ALBAYERO, ROQUE CABA HERNANDEZ, WILFRIDO CARABALLO, SLAWOMIR CHROSTOWSKI, also known as "Suave," RALPH ANTHONY DE JESUS, MARTIN DONATO, EUGENE FERRIS, ANDRZEJ FILIPKOWSKI, ROBERTO GARCIA, also known as "Blanco," WILLIAM KING, also known as "Woody," JAMES LOWNY, also known as "Jimbo," JAMES MURPHY, WILLIAM MURPHY, CARLOS RODRIGUEZ, also known as "Charlie," PEDRO RUIZ, LUIS ALBERTO SERRANO, DARIO VASQUEZ, ROLANDO VASQUEZ, also known as "Orlando" and "Cache," ANDREAS WASACZ, also known as "Andre," and JOHNNY ZAPATA, also known as "Jhonny Zapata," that, upon their conviction of any of the offenses charged in Counts One through Twenty, the government will seek forfeiture in accordance with Title 21, United States

Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the defendants' violation of the offenses charged in Counts One through Twenty, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses, including but not limited to, the following property: (a) The premises and real property, with its building, appurtenances, improvements, fixtures, attachments and easements, located at 68 Hausman Street, Brooklyn, New York; (b) 2000 Lincoln Town Car, vehicle identification number ("VIN") 1LNCM81F0LY831745; (c) 1995 Toyota Camry, VIN 4T1SK12E8SU876128; (d) Twenty-eight thousand, seven hundred five dollars (\$28,705) in United States currency seized on October 10, 2008 from the vicinity of 427 Hart Street, Brooklyn, New York; (e) Two thousand, four hundred eighty dollars (\$2,480) in United States currency seized on October 10, 2008 in the vicinity of 68 Hausman Street, Brooklyn, New York; (f) One thousand, one hundred five dollars (\$1,105) in United States currency seized on October 10, 2008 in the vicinity of 77 Division Avenue, Brooklyn, New York; and (g) Two thousand, five hundred twenty dollars (\$2,520) seized on October 10, 2008 from defendant RALPH ANTHONY DE JESUS.

22. If any of the above-described forfeitable property, as a result of any act or omission of any of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;

or

(e) has been commingled with other property that cannot be divided without difficulty;

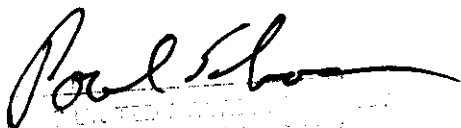
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853)

A TRUE BILL


FOREPERSON

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

Alexander Albayero, Roque Caba, Wilfrido Caraballo, Slawomir Chrostowski, also known as "Suave," Ralph Anthony de Jesus, Martin Donato, Eugene Ferris, Andrzej Filipkowski, Roberto Garcia, also known as "Blanco," William King, also known as "Woody," James Lowney, also known as "Jimbo," James Murphy, William Murphy, Jose Robles, also known as "Pepe" and "Pepin," Carlos Rodriguez, also known as "Charlie," Pedro Ruiz, Luis Alberto Serrano, Dario Vasquez, Rolando Vasquez, also known as "Orlando" and "Cache," Andreas Wasacz, also known as "Andre," and Johnny Zapata, also known as "Johnny Zapata,"

Defendants.

SUPERSEDING INDICTMENT

(T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(A)(ii)(II), 841(b)(1)(B)(ii)(II), 841(b)(1)(C), 846 and 853; T. 18, U.S.C., §§ 2 and 3551 et seq.)

A true bill.

Henry Blend

Foreman

Filed in open court this

4th

day,

of *March* A.D. 20 *09*

Clerk

Bail, \$

Stephen E. Frank, Assistant U.S. Attorney (718-254-6143)